

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10 Cvs 3585

GUILFORD COUNTY

10 FEB 16 AM 10:24

PHYLLIS HONEYCUTT RIGGS,

GUILFORD COUNTY, C.S.C.

BY \_\_\_\_\_  
Plaintiff,AMENDED COMPLAINT  
(Demand for Jury Trial)

v.

STEPHEN LEWIS VINSON,  
USF HOLLAND INC., and YRC INC.,

Defendants.

COMES NOW, the Plaintiff, by and through counsel, complaining of the Defendants, alleges the following:

1. The Plaintiff, Phyllis Honeycutt Riggs, is a resident of Greensboro, Guilford County, North Carolina.
2. Upon information and belief, the Defendant, Stephen Lewis Vinson [hereinafter referred to as "Defendant Driver"] is a resident of Braselton, Georgia.
3. Upon information and belief, the Defendant, USF Holland Inc. [hereinafter referred to as "Defendant Owner"], is a Michigan corporation doing business in North Carolina.
4. *Upon information and belief, the Defendant, YRC Inc. [hereinafter referred to as "Defendant YRC"], is a Delaware corporation doing business in North Carolina.*
5. *Upon information and belief, Defendant USF Holland Inc., is an agent of and/or is leased to YRC Inc. a/k/a Yellow Roadway Transportation.*
6. On May 15, 2007 at approximately 6:55 a.m., the Plaintiff was the owner and operator of a 1993 Chevrolet automobile bearing North Carolina license plate number FZA-780 and was traveling north on Freeman Mill Road in Greensboro, Guilford County, North Carolina.
7. At or about the time set out above, the Defendant Driver was operating a 2000 International tractor trailer bearing Illinois license plate number P565906. Said vehicle was owned by the Defendant Owner and was also traveling north on Freeman Mill Road when a collision occurred with the Plaintiff.
8. At all times herein complained of, the Defendant Driver was driving said vehicle with the consent, permission, and as the agent of the Defendant Owner.

9. The above collision occurred when the Defendant Driver failed to slow for traffic and caused a collision with the Plaintiff's vehicle.
10. The Defendant Driver was negligent, and the Defendant Owner was thereby vicariously negligent, as follows:
  - a) Failing to keep, exercise, and maintain a careful, effective and proper lookout;
  - b) Failing to keep, exercise, and maintain proper control of the vehicle;
  - c) Failing to start, stop, or turn the vehicle from a direct line without first determining that such movement could be made in safety, in violation of G.S. §20-154;
  - d) Driving a motor vehicle upon a public roadway without due caution and circumspection, at a speed and in such a manner so as to endanger or be likely to endanger the person and property of others, in violation of G.S. §20-140(b);
  - e) Failing to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance and to avoid injury to any person or property, in violation of G.S. § 20-141(m);
  - f) Failing to exercise the degree of care that a reasonably prudent person would have exercised under the same or similar circumstances then existing; and
  - g) Was negligent in other respects to be proven at the trial of this case.
11. As a direct and proximate result of the Defendants' negligence, the Plaintiff has incurred medical bills, suffered physical injury, pain and suffering, lost wages, scarring, and permanent injuries.

**WHEREFORE**, the Plaintiff respectfully prays the Court as follows:

1. That the Plaintiff have and recover judgment against the Defendants, individually and in the alternative, joint and severally, for an amount in excess of Ten Thousand Dollars (\$10,000.00) in compensatory damages, together with interest as provided by law;
2. That all costs of this action, including counsel fees, be taxed against the Defendants;
3. That a jury trial is demanded; and

4. For such other and further relief as shall be deemed just and proper.

This the 11<sup>th</sup> day of February, 2010.



Kenneth M. Gondek

NC State Bar No.: 25091

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